

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Amdhapoor Gram Panchayat, Bodhan Mandal of Nizamabad District - Revision Petition filed by Sri N. Satyanarayana, Sarpanch, Removed Under Section 249(1) of A.P.P.R. Act, 1994 by the District Collector (PW), Nizamabad District for Misappropriation of Amdhapoor Gram Panchayat Funds – Stay orders vacated - Appeal Petition Dismissed – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt No.1604

Dated: 25-10-2008.

Read the following:-

- 1). From the District Collector, (PW), Nizamabad District, Procs. Ref. No. 240/2008-B5 (Pts), Dated 30-06-08.
- 2). From Sri N. Satyanarayana, Sarpanch, Removed, Amdhapoor Gram Panchayat, Bodhan Mandal, Nizamabad District Appeal Petition Dated.14-07-2008.
- 3). Govt. Memo. No. 16848/PTS-II/A1/2008-1, Dated 26-07-2008.
- 4). From the District Panchayat Officer, Nizamabad District Lr No.240/2008-B5 (pts.) Dated 18-08-08.
- 5). Govt. Telegram No.16848/PTS.II/A1/2008-3, Dated 04-09-08.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nizamabad District has removed Sri N. Satyanarayana, Sarpanch, Amdhapoor Gram Panchayat, Bodhan Mandal, Nizamabad under section 249 (1) of A.P.P.R. Act, 1994 for misappropriation of Gram Panchayat funds to a tune of Rs.1,08,489/-.

2) Aggrieved by the above said orders, in the reference 2nd read above, Sri N. Satyanarayana, Sarpanch, (Removed) Amdhapoor Gram Panchayat, Bodhan Mandal, Nizamabad District has filed an Appeal Petition before the Government to suspend the orders passed by the District Collector (PW), Nizamabad District.

3) In the reference 3rd read above on the proceedings of the District Collector (PW), Nizamabad District stay granted after considering the Appeal petition and called for the report along with original records from the District Collector(PW), Nizamabad.

4) In the reference 4th read above the Collector (PW), Nizamabad District has submitted his report to Government. In the reference 5th read above informed to all concerned to attend hearing on 16-09-08 at 11.30 AM in the chambers of Hon'ble Minister (PR) along with records.

5) The case was heard on 16-09-08. The Petitioner along with his advocate and the Divisional Panchayat Office Bhodan have attended hearing. The advocate filed written argument and while rebutting the charges framed against the appellant has contended that the appellant not provided reasonable opportunity by the lower authorities and the petitioner never misappropriated any funds and both the Panchayat Secretary and Junior Assistant are responsible for maintenance of the records and they are only responsible for the alleged misappropriation action of the Gram Panchayat Funds and requested to set aside the impugned orders and to reinstate him as Sarpanch of the subject Gram Panchayat.

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6) Government have gone through the material papers filed by the appellant and also the connected records brought by the Divisional Panchayat Officer, Bodhan. It is on record that before passing the impugned orders the District Authorities have provided ample opportunity to the appellant to rebut the allegations/charges leveled against him. The Petitioner has also attended the open enquiry conducted by the Divisional Panchayat Officer, Bhodhan along with the Panchayat Secretary and Junior Assistant of the Gram Panchayat. Subsequently to this a show cause notice was also issued to the Petitioner. After considering the explanation given by him to the Show Cause Notice only the District Collector (PW) Nizamabad has passed order of removal of the Petitioner from the post of Sarpanch. Hence Petitioner can't now contend that no reasonable opportunity has been given to him. The appellant being the elected Sarpanch of the subject Gram Panchayat should see that the precious funds of Gram Panchayat are properly used for the welfare of the villagers and all the expenditure incurred should be in accordance with the procedure and it should be properly accounted for. The Sarpanch being the Head of Gram Panchayat Should be responsible for proper maintenance of records. If the Panchayat Secretary or Junior Assistant of the Gram Panchayat failed in discharge of their duties the appellant should have submitted report to higher authorities on the failure to maintain the records Bill and Vouchers of the expenditure incurred by the Gram Panchayat. He can't shirk his responsibility on the Panchayat Secretary and the Junior Assistant. There are no any logic found in the arguments adduced by the appellant. It was amply proved that the appellant is responsible for misappropriation of Gram Panchayat Funds and no illegality, irregularity in the impugned orders of the Collector (PW), Nizamabad District issued vide reference Ist read above. The stay orders granted vide reference 3rd read above is hereby vacated and the Appeal Petition is dismissed accordingly.

7) The District Collector(PW), Nizamabad District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMACHANDRAN
SECRETARY TO GOVERNMENT

To

Sri N. Satyanarayana, Sarpanch, Removed, Amdhapoor Gram Panchayat,
Bodhan Mandal, Nizamabad

The Collector (PW), Nizamabad District.

Copy to:

The Commissioner, PR & RE, A.P., Hyderabad.

The District Panchayat Officer, Nizamabad District.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER